

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL DAILEY,

Plaintiff,

vs.

CIV. NO. 17-cv-542-KRS

**NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,**

Defendant.

ORDER

The parties' Stipulated Motion for Fees Under the Equal Access to Justice Act ("EAJA") is GRANTED.

Defendant shall pay Plaintiff \$5,000.00 in attorney fees. Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. However, the EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1) (2006).

It is further ordered that the EAJA fees will be paid to Plaintiff but delivered to Plaintiff's attorney.



KEVIN R. SWEAZEA
United States Magistrate Judge